

Mayor Mary Cooper called the meeting to order at 7:00 p.m. Also present were Councilmembers Kay Carlquist, Robert Jurca, Guy Pfalzgraff and Bill Seuell, along with Acting City Manager Glen Black and City Attorney Mike Schottelkotte. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Pledge of Allegiance

The Mayor led everyone present in the Pledge of Allegiance.

Changes to the Agenda

There were none.

Minutes

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to approve the minutes of October 20, 2009 regular meeting as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

Dorothy Allen, 1112 East 3rd Street, commented on the Senior Center.

Region 10 Discussion with Jan McCracken and Paul Gray and Volunteers of America Discussion on Senior Center Contract

Paul Gray, executive director for Region 10 asked if the agenda item regarding Volunteers of America could also be included in this discussion. He stated that there are questions regarding VOA and the meal services which led to an email he received from Lanny Sloan stating that he was recommending to Council not to pay the Region 10 dues. Mr. Gray responded back stating that would be inappropriate decision.

Mr. Gray started with the discussion regarding the meal services concern. He presented Craig Ammerman from VOA.

Mr. Ammerman stated that he has talked with the seniors at the center and wanted an opportunity to speak with City Council regarding the petition that was received by the seniors. He explained that they are located in eight different locations and they do have a traffic record of dealing with issues face to face. He also explained that he had not heard of the issues that the seniors had until he stopped in and talked with them. Mr. Ammerman addressed the following issues that were on the petition submitted to the City:

- The quality of the food, the meat is a commercial meat not a processed meat.
- The use of a dietician. There is a dietician on staff who works with the new enrollees as well as oversees the menu. Mr. Ammerman presented Council a copy of a menu and what the dietician does for the program.
- Birthday dinner. In an effort to make things simpler and more efficient they tried to bring the birthday dates on a Wednesday.
- Frozen foods. There are frozen foods that are to be cooked and then served.
- Liver and Onions. There will always be an alternate now.
- Price of the meal. They have met with the Board and the Senior Center and talked with them about the price. There aren't any intentions at this time to raise the cost of the meal. They are not ruling it out for the future; however, they will give the Board 30 days notice to notify them of the change if a change were to occur.
- Substitute cooks. There was some turnover and some backup cooks. There are procedures in place now if a cook should call in.
- Insurance for the staff. They receive the same benefits as the VOA staff does on the western slope.
- Why should the cooks pay for their meals? VOA has regulations to receive funding and one of those regulations is that they pay for their meals.

Mr. Ammerman also explained the changes that were made in Delta. Columbine Senior Services operated its functions out of the house that is attached. VOA has a campus in Eckert and it made more sense to the staff operate out of those offices. So in turn it looked like a loss in services. Mr. Ammerman stated that at each site there is a suggestion, problem, resolution

Regular Meeting, Delta City Council, November 3, 2009 (Cont.)

Region 10 Discussion with Jan McCracken and Paul Gray and Volunteers of America Discussion on Senior Center Contract (cont.)

form in the hopes that if there are issues that are brought up at that site they can deal with them right away.

Mr. Ammerman stated that their goal is the same as the senior's goal and that is to provide a nutritious appealing meal to our seniors at a cost they can afford. This operation is really a service and not a money maker. They are trying to make it efficient so that it is sustainable. VOA is applying for grants and trying to find some other revenue sources. However, part of that process means change in the way that it had been done in the past.

Mr. Ammerman also stated that one of the areas that had been brought before Council was the utilities.

Mayor Cooper asked if they took out the gas since that is not part of the utilities offered by the City.

Mr. Ammerman stated they did. He explained that the electric is running about \$730, water \$100, sanitation \$150 and sewer \$70. In working with Lanny Sloan, their concern was since VOA vacated the house portion of the site they were asking if there could be some kind of rebate. Every dollar is very valuable to this program and they would be putting dollars into something that they can't utilize to produce a meal.

Mr. Ammerman commented on the information in the media regarding the numbers dropping. He reported that in the last three months they have served more meals than for the whole program that Columbine served at the same time last year. In Delta, compared to what Columbine served they have seen a decrease of 1 ½ persons per day. Mr. Ammerman stated that they are making changes. He explained that this is a program that is very large. The learning curve may be a little longer since each site is like its own organization. He asked for patience from the seniors and Council the meals are going to get better.

Looking into the future VOA has right now ways to find efficiencies in the program. He explained the process in which product was being delivered. The freezer is not running properly. VOA is has changed the way product is being stored and delivered. This will have an impact on the utilities.

Acting City Manager Glen Black stated that he, Mr. Ammerman and Mayor Cooper have met and he has prepared a memo to summarize some of that discussion. Mr. Black stated that what it comes down to is VOA paying for the utilities even though they are not using the entire site. He explained that the site use agreement would be Mondays through Fridays of each week between the hours of 7:00am and 3:30pm. Since the seniors and other groups also use the building, paying all utilities is an unreasonable request. Mr. Black also stated that the City does pay utilities at other locations.

Mr. Black also stated that it is his understanding that for VOA's funding to continue they need a site use agreement for the senior site. The main concern of the contract was for them to assume and pay all cost of the utilities. At this time Mr. Ammerman is asking for some help regarding that.

Mr. Ammerman stated that the contract is the biggest need they have right now. He stated that they have been very fortunate working with the seniors.

Councilmember Seuell questioned if the freezer would be shut down once everything is moved.

Mr. Ammerman explained that they are in the process of getting bids for a cost of a freezer. It would be available once they complete that process.

Councilmember Carlquist stated that she feels the utilities should be addressed.

Mayor Cooper stated that the electric, water, sewer and trash could be looked at. The gas is not offered by the City. She asked Mr. Ammerman if that would work for them.

Mr. Black gave a history of the utilities bills from the City.

There was discussion regarding utilities and use of the building.

Regular Meeting, Delta City Council, November 3, 2009 (Cont.)

Region 10 Discussion with Jan McCracken and Paul Gray and Volunteers of America Discussion on Senior Center Contract (cont.)

Mr. Black stated that if Council felt they want to help they could set an amount they would pay.

Councilmember Jurca stated that would need to be discussed in a budget work session.

Mr. Black asked Mr. Ammerman if he could wait a couple weeks or does he need an answer tonight.

Mr. Ammerman stated he was thinking they could do an addendum.

Attorney Michael Schottelkotte questioned what there term would be.

Mr. Ammerman responded that the term would be July 1st, 2009 to June 30th, 2010.

There was discussion regarding a few other changes.

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to authorize the City Manager to enter into the Site Use Agreement for the Delta Community Center with Volunteers of America with the changes marked on the draft and with a future addendum regarding the utilities for the term of July 1, 2009 and ending on June 30, 2010.

Mr. Gray commented on the strong effort that Mr. Ammerman has put in this program. We are very fortunate to have VOA running these programs.

He also stated that Region 10 is here tonight is to present the benefits of being a member of Region 10. Delta County received about \$904,000 in direct services, grants and tax credits. Mr. Gray explained the fee structure.

Mr. Gray pointed out what the importance the assessments are to the Region 10 to continue to get paid. They rely on the membership dues to help with that. He urged Council to stay a member of Region 10. They work really hard on their behalf.

Jan McCracken, Commissioner with Delta County, stated that several years ago they were mandated to create a region to access programs that the state and federal government have. Without Region 10, those programs cannot not be accessed. Ms. McCracken summarized some of the projects that Region 10 has been helpful with in completing in the area. She stated that there are a lot of benefits that we can collectively help with. If everyone starts dropping out the benefits are not going to be there.

Ms. McCracken also stated that Region 10 does help in the worst of times and best of times. It might be helpful for the City to have someone attend the meetings with Region 10 to get an understanding of what they offer.

Mayor Cooper explained why they are discussing whether to continue the membership.

Ms. McCracken encouraged Council to continue their membership.

Councilmember Carlquist questioned is the funding that is given to Region 10 population based and if someone were to not continue their membership would Region 10 lose that population.

Ms. McCracken stated that the population is part of the formula. What they would lose is the monies that would help match what needs to be matched and to fund the staff.

The next Region 10 meeting will be on November 19th at noon at Region 10.

Mr. Gray apologized if anyone felt offended by the previous email. He felt that it was important to communicate the importance of Council's membership.

Retail Liquor Store License Renewal: Peterson Liquors

The Clerk explained that Peterson Liquors has submitted their retail liquor store license renewal. She stated that all fees have been paid to the State and to the City. The Police Department has recommended renewal.

Regular Meeting, Delta City Council, November 3, 2009 (Cont.)
Retail Liquor Store License Renewal: Peterson Liquors (cont.)

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Seuell to approve the retail liquor store license renewal for Peterson Liquors. All in favor, motion carried.

Delta County Economic Development Membership Dues

Acting City Manager Glen Black stated that Council did budget for Delta County Economic Development (DCED) Membership. He explained that an invoice has been received. The contract has never been formalized and may be the reason why it didn't get paid. At this time he is requesting Council's direction.

Deana Sheriff with DCED explained the new structure and gave an update on the projects they are working on.

Councilmember Carlquist questioned if their primary funding is from memberships.

Ms. Sheriff stated that it is their primary funding and that they do not receive federal or state funds.

Mayor Cooper also stated that some municipalities have increased their contribution.

Ms. Sheriff explained that they are trying to be far more outreaching to the communities to let everyone know what it is DCED is doing.

There was consensus from Council to pay the invoice.

Ordinance #8, 2009; First and Final Reading
Moratorium for Medical Marijuana Dispensaries

Acting City Manager Glen Black explained that at the last meeting this was discussed. As recommended by the City Attorney this moratorium is being presented tonight that would prevent any more dispensaries from opening until some regulations can be put into place.

Ordinance #8, 2009

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
DECLARING A MORATORIUM ON REVIEW OF APPLICATIONS
RELATING TO DISPENSARIES OF MEDICAL MARIJUANA
WITHIN THE CITY OF DELTA PENDING ADOPTION OF
APPROPRIATE ZONING AND OTHER REGULATIONS, AND
DECLARING AN EMERGENCY

was introduced as Council Bill #9, 2009 and read by the Clerk.

Mayor Cooper stated that there are other municipalities around Colorado putting this type of moratorium in place.

City Attorney Michael Schottelkotte stated that the effective date will need to be put in place once the ordinance is adopted.

It was moved by Councilmember Jurca and seconded by Councilmember Seuell to adopt Council Bill #9, 2009 on first and final reading. Roll call vote: Councilmembers Carlquist aye, Jurca aye, Seuell aye, Pfalzgraff aye and Cooper aye. Council Bill #9, 2009 was adopted on first and final reading as Ordinance #8, 2009.

Garnets Hillside Replat of Lots 11-15

City Planner James Shoopman stated that staff is recommending approval of the Garnets Hillside Replat of lots 11-15. Mr. Shoopman presented the following information:

- Owner: Delta branch of Montrose Bank
- Location: 665 Bluff Place
- Plat combines 5 lots into 2 and vacates east cul de sac
- Original 25 lots subdivision and east cul de sac platted in 1980
- Replat of lots 2-10, 16024 and creation of west cul de sac in 1999
- Zoned R-2: allows single family homes and duplexes.

Regular Meeting, Delta City Council, November 3, 2009 (Cont.)
Garnets Hillside Replat of Lots 11-15 (cont.)

Mr. Shoopman explained that city code allows replats to be approved administratively; however, staff is requesting Council's approval to vacate the east cul de sac and adjacent utility easement. Staff does recommend approval of the final plat as submitted.

Councilmember Seuell questioned if the duplex is located on the lots that he is talking about.

Mr. Shoopman stated that it is and if this replat is approved it will become one parcel.

Councilmember Carlquist questioned what kind of access the last parcel would have.

Mr. Black explained that is a separate parcel, it was never part of the subdivision and the access is shown as coming off the hill.

Councilmember Jurca also questioned the access to the other three lots.

Mr. Shoopman showed on the map where the easement for access would be.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Carlquist to approve the Garnets Hillside Subdivision Replat of Lots 11-15 with all staff recommendations. All in favor, motion carried.

Resolution #7, 2009
High Intensity Drug Trafficking Area Designation

Resolution #7, 2009

A RESOLUTION OF THE CITY OF DELTA SUPPORTING HIGH
INTENSITY DRUG TRAFFICKING AREA DESIGNATION

was read by the Clerk.

Chief Robert Thomas stated that in the 7th Judicial District drug trafficking and distribution has increased and with that local law enforcement needs help. Therefore they are seeking the assistance from the federal government who is in charge of High Intensity Drug Trafficking Area (HIDTA) program. Chief Thomas stated also stated the he is requesting Council to support this decision by adopting Resolution #7, 2009. The Chiefs and Sheriffs have meet with Senator Bennett and he asked those law enforcement agencies to obtain approval from their respective City Council or County Commissioners to support a HIDTA designation. Chief Thomas presented Jim Fuller agent in charge of the drug task force.

Mr. Fuller explained that the current drug task force is responsible for a large geographical area which includes the counties of Delta, Montrose, Ouray, San Miguel, Gunnison and Hinsdale. They have five task force officers and one full time administrative assistant. He also explained that about two years ago the emphasis was to target the street level enforcement which included possession, abusing and distributing narcotics to support their own habits. Two years ago they started to target the groups that were responsible for importing and distribution of methamphetamine, cocaine and marijuana on the Western Slope. Mr. Fuller explained that with this change they have been more successful and gave Council some information regarding some of the cases where they confiscated a large amount of drugs.

Mr. Fuller stated that due to budget shortfalls they are experiencing significant resource cuts. Prior to June they were receiving funds from a grant that is no longer available. At this time they are seeking federal resources through HIDTA. He also explained how HIDTA will help them with drug trafficking.

Councilmember Pfalzgraff questioned if they are only asking for Council's support in the efforts to seek the resources through HIDTA.

Mr. Fuller stated that is correct.

It was moved by Councilmember Seuell and seconded by Councilmember Pfalzgraff to adopt Resolution #7, 2009. Roll call vote: Councilmembers Carlquist aye, Jurca aye, Seuell aye, Pfalzgraff aye and Cooper aye. Motion carried.

Regular Meeting, Delta City Council, November 3, 2009 (Cont.)
Ordinance #7, 2009; Second and Final Reading
Sexually Oriented Business

Ordinance #7, 2009

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
AMENDING SECTIONS 8.32.020 AND 17.04.210 OF THE
DELTA MUNICIPAL CODE FOR THE PURPOSE OF
CLARIFYING REGULATIONS FOR THE ZONING OF SEXUALLY
ORIENTED BUSINESSES

was read introduced as Council Bill #8, 2009 and read by the Clerk.

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to adopt Council Bill #8, 2009 on second and final reading. Roll call vote: Councilmembers Carlquist aye, Jurca aye, Seuell aye, Pfalzgraff aye and Cooper aye. Council Bill #8, 2009 was adopted on second and final reading as Ordinance #7, 2009.

Proposals on Professional Employment Recruiters

Acting City Manager explained that three proposals have been submitted for the search of the City Manager. He explained that Fred Rainguet did submit the lowest proposal. Mr. Rainguet did assist the City in the search for a Police Chief in 2008.

It was moved by Councilmember Carlquist and seconded by Councilmember Seuell to authorize the Mayor to enter into an agreement with Fred Rainguet to conduct the search for a City Manager. A vote was taken on the motion: Councilmembers Carlquist, Seuell and Pfalzgraff: aye; Councilmember Jurca, nay. Motion carried.

City Attorney Comments

Attorney Michael Schottelkotte stated that he would not be attending the executive session tonight. He explained that Attorney Earl Rhodes will be in attendance.

City Manager Comments

Acting City Manager Glen Black asked for a consensus to have a budget work session on Tuesday, November 10th at 6:00pm at City Hall.

There was a consensus from Council.

Councilmember Comments

Councilmember Carlquist presented a statement from Linda Sanchez from the Chamber of Commerce thanking the City for their support on the I Shop Delta Campaign. She also stated that she is pleased to see the positive energy coming out of the Chamber.

Mayor Cooper welcomed Councilmember Seuell back. She also stated how great it is that the truck route bond question passed.

Executive Session

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Carlquist to convene an Executive Session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under CRS Section 24-6-402(4)(e); or more specifically for discussions regarding Tri-County Water Agreement and for discussion of a personnel matter under CRS Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employee; or more specifically discussions regarding the City Manager position. All in favor, motion carried.

At 8:21 p.m. the Regular Meeting was recessed. The Executive Session was convened a short time later.

Regular Meeting, Delta City Council, November 3, 2009 (Cont.)
Executive Session (cont.)

At 9:01 p.m., the Mayor reconvened the Regular Meeting and announced that the Executive Session had been concluded. She stated that in addition to herself, the participants in the Executive Session were Councilmembers Kay Carlquist, Robert Jurca, Bill Seuell and Guy Pfalzgraff, along with Acting City Manager Glen Black, Attorney Earl Rhodes, Human Resources Director Jeri Karsten and City Clerk Jolene Nelson. For the record, the Mayor asked any person participating in the Executive Session who believed that any substantial discussion of any matters not included in the motion to go into Executive Session occurred during the Executive Session in violation of the Open Meetings Law, to state his or her concerns for the record. No concerns were stated.

The meeting was immediately adjourned.

/s/ Jolene E. Nelson

Jolene E. Nelson, City Clerk